

Planning & Zoning Commission

Special Meeting Minutes January 10, 2018

The Planning and Zoning Commission for the City of Cambridge met on Wednesday, January 10, 2018 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland.

Commissioners in attendance: Jerry Burroughs, Chair; Eugene Lauer, Vice Chair; William Craig, Marshall Rickert; Marty Losty; Chan'Tay Nelson

Commissioners absent: Hubert Trego

Others in attendance included: Pat Escher, City Planner; John Russell, Russell Paving Company; Shane and Charles Foxwell, Sr., Foxwell Auctions

Commissioner Burroughs called the meeting to order at 6:00 p.m. and asked for a moment of silence.

PUBLIC MEETING

New Business

TA 2018-007 Amend Section 9.2 of the Unified Development Code – Request to 1) amend the text of the Unified Development Code Section 9.2 Terms and Definitions to define Auction, Auctioneer and Auction House; 2) amend Permitted Land Use Table #1 to make an Auction House a Special Exception in the General Commercial Zoning District; and 3) amend Table 6A to require one parking space per four seats.

Mrs. Escher stated the property owner and Foxwell Auctions have requested to have an auction house in the General Commercial Zoning District in the City. The Commission has previously had a hearing for this application. Mrs. Escher was requested to draft language regarding the definition of Auction, Auctioneer and Auction House and to amend Table 6A, which is the parking requirement. Auctioneer would be an individual who conducts auctions by accepting bids and declaring goods sold and is licensed by the City of Cambridge. Auction House would be a company or other business entity that conducts auctions by accepting bids and declaring goods sold and is licensed by the City of Cambridge. In response to a question on the definition of Auctioneer, Mrs. Escher responded that the City Charter does require a license.

Mrs. Escher advised that Staff can move forward with the City Council process in February. The approval of the request is pending Council approval and the recommendations to the Board of Appeals, which would be heard on February 27.

Mr. Russell feels that the auction house is a good thing for the City because it brings in people and revenue. Parking would be great. It would create jobs and income for the City and other businesses.

Mr. Shane Foxwell testified that Foxwell Auctions has been in business in the town of Cambridge since 1980 and is coming up on 2,000 auctions. The community has expressed to him that they love the auctions. He stated that Maryland does not require a license, but does require an auction house to register with the Department of Assessment and Taxation and that the license be local. Maryland considers him a retailer; he pays retail sales tax.

Mr. Shane Foxwell doesn't see in the UDC where an auction house needs a Special Exception. He asked if the text could be amended in the UDC for the definition of Auction and why is it a Special Exception when it is a commercial business. He assumed his business was commercial and that it was also in the Parking Table.

The Commission advised that the purpose of the special exception is to allow the City to ask questions about the application. At the last hearing, Mr. Foxwell described an operation that would fit well in the process. However, someone else may want to come in and have outdoor bidding activities or that sort of thing. The City and citizens should have an opportunity to comment about it. It is not intended to be discouraging to an applicant.

In response to a question, Mr. Shane Foxwell said that he could run his business under this framework temporarily if there was an assumption that the paperwork would go through.

In response to a question, Mrs. Escher stated that it was decided to have a Special Exception to rule out all industrial because the existing industrial buildings are very large formatted and parking requirements are a lot less. The Commission was concerned that there would not be enough parking space and parking would overflow into the neighborhood. The other concern was outside storage and how it could potentially negatively impact that neighborhood.

Mr. Charles Foxwell, Sr. testified that he understands that this hearing just involves the location where the auction house is planning to operate. He advised that he has conducted auctions all over the city. He is concerned that he will come under scrutiny when there is a sale held onsite in the city. Commissioner Craig stated that not only are they looking at the Metro building, but the Commercial Zone. Therefore, it could be any number of properties.

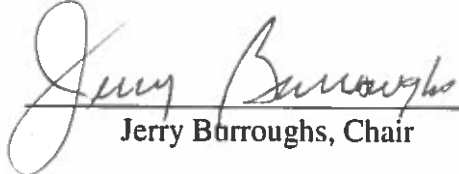
Commissioner Rickert proposed a motion that we recommend the approval of the amendment and recommend to the City Council to approve the ordinance as recommended by the Planning and Zoning Commission and include Industrial Zone with the same conditions as a Special Exception., He also recommends that the last paragraph stating, "There cannot be any auctions held on this property until the legal process of amending the City's UDC, as an auction house is not permitted in the City limits" be removed from the recommendation. It was seconded and carried unanimously.

Adjournment

Commissioner Burroughs asked for a motion to close the meeting. The meeting ended at ___p.m.

Respectfully submitted,

Patricia Escher
City Planner



Jerry Burroughs, Chair



Date Approved

